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## SERU 2.0: It's Not Just for Journals

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## SERU 2.0: It's Not Just for Journals

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### Abstract:

Raise your hand if you've spent at least one hour navigating your way through an electronic resource license in the past year. Okay, put your hand down, and then make plans to attend this Lively Lunch so you can learn more about the changes being implemented in SERU, the Shared Electronic Resources Understanding. SERU, a NISO Best Practice since 2008, works in conjunction with copyright law and was originally designed to replace licenses for e-journals. Now its scope is being broadened to accommodate the acquisition of e-books and more. Members of the NISO SERU Standing Committee will lead a discussion about the changes being proposed, show how SERU fits into the workflow of both content providers and librarians, and offer practical advice on how you can incorporate SERU into your electronic resources ordering process.

Representatives from libraries, consortia, and publishers met to discuss proposed revisions to SERU (Shared Electronic Resources Understanding). SERU, adopted by NISO (National Information Standards Organization) as a Best Practice in 2008, has been used by libraries and publishers to facilitate the acquisitions of scholarly e-journals. In response to an e-book publisher request, the NISO SERU Standing Committee has undertaken the revision of SERU to encompass other types of e-resources, and to apply more broadly to all participants in the business of e-resources acquisition.

SERU is an alternative to the expensive and labor-intensive licensing process that often accompanies orders for e-resources. Publishers and libraries have a long history of non-litigious cooperation that characterized acquisition of print materials; SERU builds on that trust. With more than a decade of experience with electronic resource acquisition, SERU articulates commonly held expectations between publishers and libraries. By referencing copyright law and the SERU best practices, libraries and publishers can forego a formal license and complete the acquisition transaction in no more time than it takes to order print.

The SERU guidelines have worked well to describe the expectations that have emerged for e-journals. In part that's because we have many years of experience in the business of acquiring e-journals, and in part because the period of wild experimentation that marked the early years of commercial e-journal publishing has given way to a more stable environment. That's not quite true of e-books, which are

enjoying a period of great experimentation in purchasing models and delivery options. E-books also pose special challenges because of the varied markets and rights that have always characterize books. In addition, the systems and conventions that facilitate transactions like e-journal ILL (inter-library lending) are not yet in place for e-books.

Even so, there are many shared expectations for e-books that can be articulated: who is an authorized user, what constitutes a site, and how misuse of the resource is resolved, all apply equally to e-books and e-journals. The expectation that a purchased e-book is available in perpetuity to the library, like the expectation that a subscribed e-journal is available post-cancellation, is also a shared expectation – and, just as with e-journals, when a publisher is not in a position to provide access in perpetuity, the shared expectation is that this will be made clear at the time of purchase.

The challenge in revising SERU to accommodate e-books is to carefully distinguish between what is a common expectation and what is still developing in the marketplace; what is currently technically possible and what is still awaiting a technical solution.

The SERU Standing Committee asked participants to respond to several clauses that were revised to accommodate e-books:

### 1. Use of Materials (from the revised SERU)

Use of the content is generally governed by applicable copyright law. For acquiring institutions in the United States, U.S. Copyright

Law governs use. Authorized uses include any uses permitted under the appropriate existing copyright law, including, where applicable, uses permitted as fair use.

Some of the accepted uses include interlibrary loan and ad hoc sharing of single articles and chapters by individuals for purposes of scholarship or private study. Linking to the content at the provider's site for use in courses is also acceptable.

While interlibrary loan of printed books has been a standard, accepted practice since the Nineteenth Century, there is no current consensus or standardized technology pertaining to interlibrary lending of e-books. Providers and acquiring institutions may choose to describe a mutually acceptable process in their quotes and purchase orders.

ILL: The discussion concerning ILL for e-books raised several questions: How would it be done, since ILL systems currently in place for journal articles don't easily accommodate the large file size of an e-book? Would the e-book be out of circulation while it's out on ILL? What constitutes copying an e-book and how does that affect sharing?

Some participants thought it would be okay for library patrons at the lending library to lose access while the e-book is on loan—depending on how many simultaneous uses are being paid for. For some e-books, especially those that are structured like collections of articles, the chapter loan model would work well, especially in the context of unlimited simultaneous uses. The question of DRM (digital rights management) was raised, and the role it might appropriately play in managing loan periods and frequency.

In general the consensus seemed to be that, using print book ILL as a model, ILL for books should be continued in the electronic environment with an effort made to achieve the same balance between author, publisher and patron rights. Recognizing that many publishers and libraries are not currently able to mediate e-book ILL, however, and that there is still a lack of standardization, it was thought that current best practice should encourage acquiring and providing institutions to convey to each other if and how ILL for e-books will be achieved.

COURSEWARE: New in the revision of SERU is mention of using links from the e-resource site in courseware, and Committee members asked participants to comment on the reference to it in the SERU document, and also whether the statement accurately reflected their understanding. There was general agreement that the statement: "Linking to the content at the provider's site for use in courses is also acceptable." was, in fact, common and acceptable practice.

## **2. Archiving and Perpetual Access (from the revised SERU)**

Both acquiring institutions and providers recognize a responsibility to preserve electronic resources. In order to ensure future access, providers should provide for secure archiving of the content to the extent that developing industry models allow, either by the acquiring institution or a trusted third party.

Unless otherwise agreed, the acquiring institution will retain access to the digital content in perpetuity either at the provider's site, from a copy maintained by the acquiring institution, or from a third party archive.

The means of implementing perpetual access and securing a trusted third party to archive content may vary from case to case. Providers may charge a reasonable annual fee to recover their costs for providing continuing access following termination of a subscription or for preparing archival copies.

PERPETUAL ACCESS: Some participants wondered whether perpetual access was truly a universal expectation, while others wanted it more explicitly outlined in SERU. The existing language in SERU underscores that it is a standard expectation, while acknowledging it is not a universally available option. The idea is that when a publisher does not conform to the standard expectation (perpetual access), that fact will be disclosed.

A publisher raised the issue of who might end up with the files if a third party were commissioned to serve as the archive and/or provider of perpetual content. There was a suggestion to change the language from perpetual *access* to perpetual *right* in order to avoid the question of how access would be delivered. There was also the suggestion that the

delivery of content should be in a *mutually agreeable format*, and that if using a third party it should be a *trusted third party that both parties agree to*. In the end, however, it was felt that the existing language was adequate, and we should try to stay with the spirit of the text rather than weigh it down with language more appropriate to a license.

USING SERU: A concern was expressed about documenting SERU, not leaving that part of the order transaction to institutional memory, and several participants shared their experiences processing SERU. Most who have used SERU, both from the publisher and library side, follow processes already in place for licenses. The major difference being that a copy of SERU along with any accompanying emails or purchase orders are filed (electronically or in paper). Permissions follow copyright law, standard behaviors expressed in SERU, and any special circumstances that have been discussed between library and publisher.

NEXT STEPS: The draft of the revised SERU will be made available for public comment on the NISO website in January 2012 (<http://www.niso.org/workrooms/seru>). We welcome comments from those previously registered with SERU, as well as from those who are new to SERU and would like to use it in the future. Our goals are to reflect best practice in e-resources acquisition, and streamline the process.

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